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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,444	08/05/2003	Luciano Salice	298-203	8288
28249	7590	11/02/2004	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			MAH, CHUCK Y	
		ART UNIT		PAPER NUMBER
				3676

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,444	SALICE, LUCIANO <i>SF</i>	
	Examiner Chuck Mah	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: ____ .	6) <input type="checkbox"/> Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The errors are too numerous to mention specifically. Examples of such errors are as follows:

In claim 1, line 2, “preferably...” is indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Lines 3-4, “flexibly connected thereto” is not understood.

Lines 4-5, it is not clear what is being defined as “the closed position” or “the closure path”.

Lines 6-8, “the rotation damper is an axial damper” is confusing. As it has been known in the art a rotation damper is generally referring to a damper having rotational parts rotating about an axis (as defined by applicant’s invention) and an axial damper is generally referring to a damper having axial moving parts moving along an axis (e.g. a spring shock absorber). From the claim it cannot be understood whether the damper is a rotation damper or an axial damper.

Further, “whose axis” and “whose cylinder” are considered vague and indefinite

since the structure, or geometry of the damper is not clearly defined. It is not clear how the damper is related to the "axis" and the "cylinder".

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the elements forming the "double guide hinge". Without such elements the invention cannot be understood structurally and functionally. For example it cannot be understood what is being defined as "a double guide hinge" and how it is related to the invention. Further Lines 3-4, "one of the four hinges" and "the end of the guide supported thereon" cannot be understood structurally.

In claim 3, the following terms cannot be understood: line 2 "one of the joint pins", line 3 "the legs", and "a U-shaped hinge arm".

In claim 3, line 5, "e.g.,..." is indefinite.

Lines 7-8, it cannot be understood how "a circular disk" is "held in a complementary hole".

In claim 4, the following terms cannot be understood structurally: line 2 "one of the pivotable joint pins", line 3 "an axial pin of said axis", lines 3-4 "one outer end of the guide", line 4 "the other axial pin", line 4 "a radial extension" and "the pivotable bolt (34) of the other guide".

The errors in claims 5-20 are similar. It may not be necessary to point out all possible errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6 and 16, as best as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by

JP 7-286472 or JP 8-184254. JP '472 shows a pivotable section 6, a hinge section 4, a damper 1, and axis 3a, a cylinder 2 fixed to hinge section 4. The heads of axial pins 3a are considered rivet head that is capable of being riveted. Similar structures are shown in JP '254.

5. Claims 1 and 7, as best as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schall (5,715,574). Note that cylinder 1a of the damper has

a flattened section 18 for fixing between the lugs 11 and 12 of the U-shaped hinge section 6.

6. Claims 1 and 2, as best as understood, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wang (6,684,453). Wang has an axis (73) forming a hinge axis of the hinge. Cylinder 8 is fixed to hinge 4.

7. In the present condition, the examiner is unable to consider the relationship between the prior art and claims 3-5, 8-15 and 17-20.

Conclusion

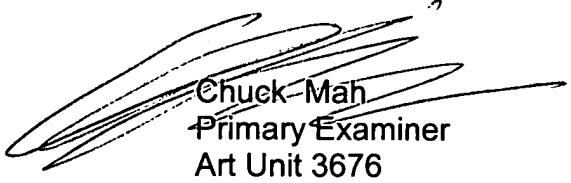
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (703) 308-0676. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3676

CM